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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,427	04/22/2005	Fujita Kimura	5024-0102PUS1	1679
2292 7590 01/25/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER LANGDON, EVAN H	
			ART UNIT 3654	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		01/25/2007	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/25/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/532,427

Applicant(s)

KIMURA, FUJITA

Examiner

Evan H. Langdon

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8 and 22-30 is/are pending in the application.
- 4a) Of the above claim(s) 28 and 29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8, 22-27 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8, 22 and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 4-103473.

JP '473 discloses a spool comprising:

a first spool unit 2 having a first short cylindrical unit 3 around whose outer periphery a fishing line is wound, and a first flange extending radially outwardly at one side of the first short cylindrical unit, and a first side 1 member forming a wall extending radially inwardly at the other side of the first short cylindrical unit and also forming a second flange extending radially outwardly at the other side of the first short cylindrical unit;

a second spool 8 unit having a second short cylindrical unit around whose outer periphery a fishing line is wound, a third flange extending radially outwardly at one side of the second short cylindrical unit, and a second side member forming a wall extending radially inwardly at the other side of the second cylindrical unit and also forming a fourth flange extending radially outwardly at the other side of the second short cylindrical unit, the second spool unit being disposed inside the first short cylindrical unit whereby a center of the second short cylindrical unit substantially coincides with a center of the first short cylindrical unit (Figures 6-8); and

In regards to claim 22, JP '473 discloses the first side member is provided with a fitting cylinder 13 extending in an axial direction of the support shaft and, a fitting tolerance of an outer diameter of the fitting cylinder 13 and the inner diameter of the first short cylindrical unit 3 is set be such a value that the first side member is provided detachably in the first short cylindrical unit, and once being fitted, the first side member is reliably fixed to the first short cylindrical unit. It has been held that the functional “whereby”

Art Unit: 3654

statement does not define and structure and accordingly cannot serve to distinguish the claim over the prior art.

In regards to claim 25, the spool comprises a stopper 18.

In regards to claim 24, the Examiner takes Official Notice that it is common knowledge in the art of spools to have one flange larger the other. See MPEP section 2144.03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '473 in view of Broos (3,442,464).

Broos teaches a side member 12 provided detachably on the other side of the first short cylindrical unit.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a spool flange, particularly the flange of the second spool, of JP '473 to include a detachable side member as suggested by Broos, to easily remove the wound material.

Response to Arguments

Applicant's arguments with respect to claim 8, 22-27 and 30 have been considered but are moot in view of the new ground(s) of rejection. The amendments to claim 8 necessitated the new grounds of rejection. The amendments to claim 8 have been addressed in the above rejection as being anticipated by JP 4-103473. The receiver shaft is being broadly interpreted as shaft 21 integral with the second side member, orthogonal to the first side member 1, and coupled to the support shaft 19 via the first side member 1. In regards to the obviousness rejection of claims 23 and 30 as being being unpatentable over JP '473 in view of Broos, Broos is relied upon to teach a detachable side member and motivation is found in col. 3 lines 7-9 which provides for using different flanges depending on the use of the reel.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H. Langdon whose telephone number is (571)272-6948. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3654

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



1/19/07

Evan Langdon
Patent Examiner